

NORRIS, McLAUGHLIN & MARCUS, PA

875 Third Avenue, 8th Floor
New York, New York 10022
(212) 808-0700
Melissa A. Peña (MP-3320)
Local Counsel for Sanford Deutsch

Hearing Date: June 1, 2010 at 9:30 am EST
Objection Deadline: May 25, 2010 at 4:00 pm EST

-and-

THE LAW OFFICES OF BARRY NOVACK

8383 Wilshire Boulevard, Suite 830
Beverly Hills, California 90211-2407
(323) 852-1030
Barry Novack, Esq.
**Admitted to Practice Law in the State of California*
Counsel for Sanford Deutsch

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
In re:

Chapter 11

MOTORS LIQUIDATION COMPANY, *et al.*
f/k/a General Motors Corp., *et al.*

Case No. 09-50026 (REG)
(Jointly Administered)

Debtors.

.....X

**OBJECTION OF SANFORD DEUTSCH TO MOTION OF GENERAL MOTORS, LLC
FOR ENTRY OF ORDER PURSUANT TO 11 U.S.C. § 105 ENFORCING 363 SALE
ORDER**

Sanford Deutsch, by and through his undersigned counsel, respectfully submits the following objection to the Motion of General Motors, LLC for Entry of an Order Pursuant to 11 U.S.C. § 105 Enforcing the 363 Sale Order (the “Motion”) and respectfully states as follows:

1. Sanford Deutsch is the plaintiff in an action pending in the Superior Court of California, County of Los Angeles, Case No. BC 389150, for damages for the wrongful death of his wife, Beverly Deutsch, on August 2, 2009.

2. As set forth in Exhibit D to the Motion, plaintiff's cause of action for wrongful death arises directly out of "a distinct and discreet occurrence that happened on August 2, 2009, namely the death of Beverly Deutsch from injuries sustained in the accident." See Exhibit D to the Motion, p. 2, Paragraph 3.

3. The Master Sale and Purchase Agreement ("MSPA") provides that New GM assumes liability for product liability claims "which arise directly out of death, personal injury or other injury to Persons . . . caused by accidents or incidents first occurring on or after the Closing Date . . ." MSPA, Section 2.3(a)(ix) (as amended).

4. The death of Beverly Deutsch occurred after the Closing Date of the MSPA on July 10, 2009, pursuant to the Court's 363 Sale Order of July 5, 2009.

5. Although the incident causing Beverly Deutsch's injuries occurred on June 27, 2007, she did not pass away until August 2, 2009, and thus plaintiff's cause of action for wrongful death did not arise until August 2, 2009.

6. In California, a cause of action for wrongful death is, by statute, a separate and distinct cause of action from a cause of action for injuries, with a distinct measure of damages. Cal. Code of Civil Procedure Sections 377.60, 377.61; see also Earley v. Pacific Electric Ry. Co. (1917) 176 Cal. 79, 81-82 ("Our statute [in California] creates a new right of action with a different measure of damage from that which accrued to the injured person as a result of the defendant's wrongdoing.").

7. Thus, the incident occurred after the Closing Date and, pursuant to the MSPA, New GM assumed liability for damages caused by the wrongful death of Beverly Deutsch.

8. Sanford Deutsch's action against New GM is not in violation of the 363 Sale Order because New GM expressly assumed liability for incidents occurring after the Closing Date.

9. Sanford Deutsch thus objects to the Motion and requests that the Court deny the Motion with respect to his cause of action against New GM.

WHEREFORE, Sanford Deutsch respectfully requests that the Court deny the Motion of General Motors, LLC for Entry of Order Pursuant to 11 U.S.C. § 105 Enforcing 363 Sale Order.

NORRIS, McLAUGHLIN & MARCUS, PA

Dated: New York, New York
May 25, 2010

/s/ Melissa A. Peña
Melissa A. Peña, Esq. (MP-3320)
Local Counsel for Sanford Deutsch
875 Third Avenue, 8th Floor
New York, NY 10022
Telephone: (212) 808-0700

THE LAW OFFICES OF BARRY NOVACK
8383 Wilshire Boulevard, Suite 830
Beverly Hills, California 90211-2407
(323) 852-1030
Barry Novack, Esq.
**Admitted to Practice Law in the State of California*
Counsel for Sanford Deutsch